

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2007 FEB 14 AM 10:42

CLERK *m. [signature]*
SO. DIST. OF GA.

ROY GATES,

Plaintiff,

v.

CIVIL ACTION NO.: CV506-103

TODD THOMAS, Warden; A.
BOATRIGHT; P. COOPER,
Assistant Warden; M. BROWN,
Counselor; JOHN DOE LOTT,
former Unit Manager, and
JANE DOE LOTT, former
Counselor,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's recommendation that Plaintiff's Complaint be dismissed. Plaintiff has filed Objections to the Report and Recommendation, and requests leave to amend his Complaint. Plaintiff apparently seeks to prevent the dismissal of his claims by attempting to state a claim for First Amendment retaliation and an equal protection claim. However, Plaintiff's factual allegations remain non-cognizable as constitutional violations. Plaintiff vaguely asserts that "Plaintiff for more than (5) years prior to his being assigned at CCF . . . and after, did file grievances an[d] lawsuit(s) concerning the conditions of my imprisonment." (Doc. No. 9, p. 2). However, Plaintiff fails to make any specific allegation that officials at Coffee Correctional Facility ("CCF") retaliated against him for exercising these speech rights, and does not explain what logical

relationship exists between his having filed grievances and lawsuits prior to his arrival at CCF and CCF officials denying his access to his "Xmas package." Furthermore, Plaintiff's Complaint fails to allege any discriminatory treatment based upon a constitutionally protected interest, and his Proposed Amended Complaint does not cure this defect.

Plaintiff's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of this Court. Plaintiff's Complaint is hereby **DISMISSED** and his Motion to Amend Complaint is hereby **DENIED**. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 14th day of FEBRUARY, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA